

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. EDCV 23-1880 JGB (KKx)

Date March 6, 2024

Title *Dennis Cooper v. Circle T Tobacco Inc., et al.*

Present: The Honorable JESUS G. BERNAL, UNITED STATES DISTRICT JUDGE

MAYNOR GALVEZ

Not Reported

Deputy Clerk

Court Reporter

Attorney(s) Present for Plaintiff(s):

None Present

Attorney(s) Present for Defendant(s):

None Present

Proceedings: Order to Show Cause re Dismissal for Failure to Prosecute
(IN CHAMBERS)

On September 14, 2023, Plaintiff Dennis Cooper (“Plaintiff”) filed a complaint against Defendants Circle T Tobacco Inc., RHW Pharmicon, Inc. (“Defendants”), and Does 1 through 10. (“Complaint,” Dkt. No. 1.) Plaintiff served Defendant Circle T Tobacco Inc. with the summons and Complaint on October 12, 2023—accordingly, Defendant’s answer was due on November 2, 2023. (Dkt. No. 13.) Plaintiff served Defendant RHW Pharmicon, Inc. with the summons and Complaint on October 20, 2023—accordingly, Defendant’s answer was due on November 10, 2023. (Dkt. No. 15.) To date, neither Defendant has filed an answer to the Complaint. On February 5, 2024, Plaintiff requested an entry of default against Defendants. (Dkt. No. 16.) The Clerk of this Court entered default against Defendants on February 6, 2024. (“Default,” Dkt. No. 17.) To date, Plaintiff has not moved for default judgment against Defendants.

Federal Rule of Civil Procedure 41(b) grants the Court authority to *sua sponte* dismiss actions for failure to prosecute or failure to comply with court orders. See Fed. R. Civ. P. 41(b); Wolff v. California, 318 F.R.D. 627, 630 (C.D. Cal. 2016). A plaintiff must prosecute her case with “reasonable diligence” to avoid dismissal pursuant to Rule 41(b). Anderson v. Air W., Inc., 542 F.2d 522, 524 (9th Cir. 1976). Here, it appears that Plaintiff has failed to prosecute the case with reasonable diligence because he has failed to file a motion for default judgment for one month.

Accordingly, the Court, on its own motion, orders Plaintiff to file a motion for default judgment or to show cause in writing as to why he has not moved for default judgment, on or before **March 11, 2024**. Failure to comply with this order may result in dismissal of the action. Pursuant to Rule 78 of the Federal Rules of Civil Procedure, the Court finds that this matter is appropriate for submission without oral argument.

IT IS SO ORDERED.